

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER REQUESTING
CLARIFICATION RE: VICTOR
PADDOCK**

INTERNATIONAL BUSINESS MACHINES, et
al,

Defendant(s).

Currently pending before the Court is plaintiff Ralph Miller's Motion to Modify the Court's February 6, 2006 Order. Relevant here is the Court's order for Miller to produce communications with Victor Paddock. Based on the evidence before it, including Mr. Paddock's deposition testimony in which he states that he was not acting as a lawyer in giving BCC advice, and that Miller knew that he had not practiced as a lawyer for over 25 years, the Court found no attorney-client privilege existed. Now, however, Miller has submitted documents, without authentication, purportedly showing that Mr. Paddock provided legal advice, including invoices from Mr. Paddock for "Legal Services." It is unclear how Mr. Paddock, an inactive member of the State Bar of California, could bill for legal services and later claim in his deposition that he did not provide legal services. Accordingly, the Court hereby ORDERS Miller to file the following by April 6, 2006:

1) A declaration from Victor Paddock (a) authenticating the invoices for legal services filed by

1 Miller, (b) attesting as to whether the term "legal services" evidences an attorney-client
2 relationship, and (c) addressing why he, an inactive member of the State Bar of California
3 and contrary to his deposition testimony, billed Miller for legal services; and

4 2) A declaration from Ralph Miller stating the reasons why he reasonably believed that an
5 attorney-client relationship exists.

6 Miller should be mindful that both declarations shall only contain factual statements and not
7 make any further legal arguments. Failure to comply with this Order shall result in the imposition of
8 sanctions, including possible denial of Miller's motion for modification.

9 **IT IS SO ORDERED.**

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11 Dated: March 31, 2006



12 MARIA-ELLENNA JAMES
13 United States Magistrate Judge
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